

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

NATHAN D. NEIGHBORS §  
VS. § CIVIL ACTION NO. 1:13cv403  
ASHLEY JOHNSON §

MEMORANDUM OPINION REGARDING VENUE

Plaintiff Nathan D. Neighbors, an inmate confined in the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against Ashley Johnson. Plaintiff states the defendant was part of a conspiracy against him. Based on other cases filed with the court, the conspiracy appears to have involved a proceeding in Criminal District Court No. 1 of Tarrant County, Texas.

Analysis

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1333. *Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1333 provides that venue is proper only in the judicial district where the defendant resides or in which the claim arose.

Plaintiff's claim arose in Tarrant County, where the events at issue occurred. Pursuant to 28 U.S.C. § 124, Tarrant County is located in the Fort Worth Division of the United States District Court for the Northern District of Texas.

As Tarrant County is located in the Northern District of Texas, venue in the Eastern District of Texas is not proper. When venue is not proper, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a).

Accordingly, this case should be transferred to the Fort Worth Division of the United States District Court for the Northern District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

**SIGNED** this 2 day of July, 2013.

  
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KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE